

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicants: Woon-Yong Park, et al.
Assignee: Samsung Electronics Corporation
Title: Liquid Crystal Display And A Method For Driving Same
Serial No.: 09/512,267 **Filing Date:** February 24, 2000
Examiner: Srilakshmi K. Kumar **Group Art Unit:** 2675
Docket No.: AB-1598 US **Confirmation No.:** 5968

Irvine, California
April 17, 2006

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action dated 12/15/2005, please enter the following pre-appeal brief request for review.

REMARKS

Claims 24-43 stand finally rejected. Applicants respectfully appeal these final rejections in light of a failure to establish a prima facie case of obviousness and of the following clear error.

I. One Or More Elements Needed To Establish A Prima Facie Case Of Obviousness Under 35 U.S.C. §103(a) Is Missing, And What Was Provided In The Past By The Examiner Is Fatally Flawed.

Applicants submit that the Examiner makes numerous errors in the selection, interpretation, and application of the references identified and cited as prior art, as well as specific facts used against Applicants claims. Applicants respectfully request a full, careful, and deliberative consideration of statements made by the Examiner that: (1) misstate or mischaracterize facts; (2) raise legally and substantively irrelevant facts and issues; and (3) are clearly conflicting and contradictory. The Examiner pays lip service to the MPEP §2142 methodology for establishing a prima facie case of obviousness. The Examiner uses discredited rhetorical techniques, including outright mischaracterization of relevant facts, repetition of irrelevant facts, and sweeping generalizations of hindsight reconstruction, to mask the

significant factual, legal, and logical deficiencies in the purportedly prima facie obviousness case raised by the Examiner against the Applicants' Claims.

In the interests of concision, Applicants provide herein only examples of the statements and errors in the prima facie case of obviousness raised by the Examiner. These examples are drawn from the pages and line numbers of Final Rejection (FR) and, due to the page limitation in no way constitute an exhaustive recitation of such errors throughout the entire pertinent prosecution history.

First, in an attempt to make a case for obviousness, the Examiner raises and argues matters that are marginally subject-matter-related, or are even wholly irrelevant, to the claimed invention. In addition, the Examiner apparently argues that a valid prima facie obviousness case can be tortured from the wholesale replacement of one technology for another, thereby creating a device of questionable operability and unquestionable irrelevance to the subject matter claimed by Applicants. Not only is this approach antithetical to established principles of obviousness determinations, the end result is an irrelevant, gerry-rigged apple compared to the Applicants' orange.

For example, on FR, p. 3, the Examiner attempts to conjure obviousness using the magical phrase "obvious to one of ordinary skill in the art" to do something that Applicants assert is antithetical to established principles of an obviousness analysis and, most importantly, not pertinent to Applicants' claimed subject matter. "[To] incorporate the feature of providing a common voltage to a common electrode into that of Negishi," as stated by the Examiner, one would need to perform a wholesale replacement of Negishi's LCD (circuitry for LCD zoned into top and bottom display halves) with Moon's LCD (circuitry for a monolithic LCD display operable alternatingly, by-the-columns). Not only is such incorporation not a measure of obviousness, it just does not make sense, i.e., why would one of skill in the art want to do that? As if to answer this implicit query, the Examiner implies motivation to combine Moon into Negishi arises "where Moon, et al. disclose where the liquid crystal display is driven by an electric field that exists due to a difference in voltage between the common electrode and the pixel electrode." FR p. 3, Lines 4-8. Applicants cannot see the relevance of that conclusion at all, let alone to the claimed subject matter. Therefore, this putatively obvious combination and the alleged motivation to combine, are irrelevant, are clear error, and fail to provide a statutory basis for the rejection under 35 U.S.C. §103(a).

Second, the Examiner mischaracterizes the Negishi reference by stating: "Negishi do not disclose pixel voltage." In the next breath, the Examiner states: "However, it is inherent that Negishi includes a pixel voltage as every liquid crystal display needs pixel voltage in order to function." Negishi does disclose a pixel voltage, see Col. 6, lines 2-13, and "every liquid crystal display needs pixel voltage in order to function," as well. Applicants stipulate that "every liquid crystal display needs a pixel voltage in order to function," yet that fact neither supports the putative prima facie obviousness case, nor is detrimental to the nonobviousness of the Applicants' claimed subject matter. It is clear

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error to use an irrelevant fact as a basis for an obviousness determination. Applicants respectfully request that notice be taken of the numerous arguments throughout the Final Rejection, as in previous papers, where the Examiner appears to be restating the obvious, raising red herring non-sequitur arguments, further padding the record with universal, but irrelevant, truths, or even mischaracterizing references and the technology therein as part of a headlong rush to create an illusion of factual substantiation for the obviousness prima facie case.

Third, inexplicably, the Examiner argues both sides of the obviousness position, making blatantly inconsistent statements which, themselves, may not be valid! For example, on Final Rejection, p. 3, the Examiner argues that Negishi disclose providing a first data signal ... influencing a first voltage difference between the common voltage and the first pixel voltage ...; Negishi do not disclose a first voltage difference between the common voltage and the first pixel voltage. Does Negishi disclose a first voltage difference between the common voltage and the first pixel voltage, or do they not? Similarly, on Final rejection, p. 4, the Examiner argues that Negishi disclose providing a second data signal ... influencing a second voltage difference between the common voltage and the second pixel voltage ...; Negishi do not disclose a second data signal influencing a second voltage difference between the common voltage and the second pixel voltage. Does Negishi, et al. disclose a second data signal influencing a second voltage difference between the common voltage and the second pixel voltage, or do they not? With such arguments, Applicants have been hard pressed to find a way to make good faith amendments. What to do? Bluntly put, the Final Rejection lacks coherence and technical sense. It is erroneous in the most fundamental sense because it cannot attempt to give Applicants' notice of what prior art stands in the way of the patent to which they otherwise are entitled under the U.S. Constitution.

Fourth, the Examiner consistently pads the Final Rejection with a boilerplate of irrelevant statements. In the interest of concision, the Reviewer is respectfully directed to a *first* passage Final Rejection on page 3, lines 20-23 to page 4, lines 1-8; a *second* passage on page 4, lines 16-22 to page 5, lines 1-4; a *third* passage on page 4, lines 11-20; a *fourth* passage on page 6, lines 11-20; a *fifth* passage, page 7, lines 7-16; and a *sixth* passage, p. 9, lines 16-22 to page 10, lines 1-2. Applicants assert that it is quite pertinent that all six passages are identical and are equally irrelevant to a determination of obviousness, vel non, in the instant case. These passages occupy more than half of the ten-page Final Rejection paper, puffing the Final Rejection into a weighty tome that wholly lacks required statutory analysis. Two other but lesser repetitive passages appear on p. 8, lines 19-22, and on p. 9, lines 3-6.

No ruling by the U.S. Supreme Court, the Federal Circuit, or the BPAI has yet to endorse proof by repetition or assertion, or an onslaught of non-sequiturs, red herring, straw men, factual errors, inconsistencies, post hoc rationalizations and hindsight reconstructions, as grounds for rejection of a proper claim, submitted and prosecuted in good faith. If such can be made out, Applicants are entitled to

a well-reasoned, logical, solidly-grounded rejection of claims, as part of a thoughtful, deliberative prosecution process. Applicants have no way to judge whether such an examination was fairly conducted, despite the many months over prosecution involved. Applicants are entitled to a patent for the claimed subject matter, if an examination on the merits does not prove otherwise. Thus, the instant case cries out for review and reconsideration, for the foregoing reasons, to provide Applicants with a rational basis by which to prosecute this patent application, and by which to amending claims, if a substantial rejection is presented. All rejections are in error and no statutory prima facie case was presented or made out by the Examiner. Accordingly, Applicants do not amend the standing Claims 24-43.

II. Claims 24-31 And 33-42: The Examiner Erred In Five Distinctly Fatal Ways.

First, the Examiner has not demonstrated how Negishi, alone or in combination with Moon, form a basis for an obviousness rejection of Claims 24 and 33. For example, Claim 24 comprises, *inter alia*, controlling the first data signal and the second data signal based on polarities of the first pixel voltage stored in the first pixel electrode and the second pixel voltage stored in the second pixel electrode to simultaneously increase or decrease the first voltage difference and the second voltage difference. That is, the first data signal and the second data signal is respectively applied to the first data line and the second data line, having the value based on polarities of the first pixel voltage and the second pixel voltage.

Negishi merely discloses polarities of the first and second pixels are changed. Negishi does not teach nor suggest controlling the first data signal and the second data signal based on polarities of the first pixel voltage and the second pixel voltage to simultaneously increase or decrease the first voltage difference and the second voltage difference. Neither reference teaches or suggests such controlling in the manner claimed by Applicants, thereby providing yet another reason why the subject matter claimed in Claim 24 is patenably distinguishable over Negishi, Moon, or both.

Second, whether alone or in combination with Moon, Negishi is not a proper basis for an obviousness rejection of Claims 24 and 33, because Negishi disclose only a first data signal provided to a pixel in a first gate line block and a second data signal provided to a pixel in a second gate line block. As the Examiner points out, the first gate line block is part of the upper half of the Negishi LCD display, and the second gate line block is part of the lower half of the Negishi LCD display. In contrast, Moon discloses the waveforms of a first voltage and a second voltage respectively to alternating columns of pixel electrodes connected by a common electrode having common voltage, and including respective voltage differences and a second voltage and a common voltage.

Third, neither Negishi nor Moon teach or suggest that the first signal and the second signal respectively influence the first voltage difference and the second voltage difference.

Fourth, neither Negishi nor Moon teach or suggest providing a first data signal influencing a first voltage difference between the common voltage and the first pixel voltage.

Fifth, neither Negishi nor Moon teach or suggest a second data signal influencing a second voltage difference between the common voltage and the second pixel voltage. The errors that mark the examination of Claims 24 and 33, with regard to the Negishi and Moon references propagate through, and taint, the examination of Claims 25-31, and 34-42, which depend respectively therefrom.

Therefore, Applicants assert that Claims 24-31 and 33-42 are patentably distinguishable and nonobvious over the Negishi reference, the Moon reference, or both. These Claims stand unamended.

III. Claims 32 And 43: The Examiner's Foregoing Five Distinctly Fatal Flaws Are Not Cured By Adding The Konoue Reference.

Claims 32 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Negishi (US 5,907,314), in view of Moon (US 6,421,039), as applied to claims 24 and 33, above, and further in view of Konoue (JP03 125 187). The foregoing arguments made with regard to Claims 24-31 and 33-42 also are pertinent here. The examination of Claims 32 and 43 is not better informed by the addition of the Konoue reference, whether taken alone, or in any combination with Negishi or Moon. As such, Applicants submit that the obviousness rejection against Claims 32 and 43 is fatally flawed, as well. Therefore, Applicants assert that Claims 32 and 43 are patentably distinguishable and nonobvious over the Negishi reference, the Moon reference, or the Konoue reference, alone or in any combination.

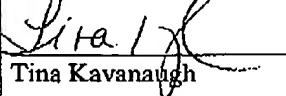
CONCLUSION

For the foregoing reasons, Claims 24 through 43 are in condition for allowance, as they stand, and allowance of all presented Claims is hereby solicited.

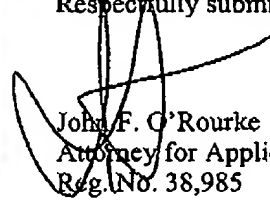
If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Tina Kavanaugh
April 17, 2006
Date of Signature

Respectfully submitted,


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